

MAR 10 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODRIGO PLAZA-FRANCO,

Defendant - Appellant.

No. 06-10364

D.C. No. CR-05-00577-FJM

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Frederick J. Martone, District Judge, Presiding

Submitted February 26, 2008<sup>\*\*</sup>

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Rodrigo Plaza-Franco appeals from his guilty-plea conviction and 87-month sentence for bringing in illegal aliens, in violation of 8 U.S.C. § 1324(a)(2)(B)(ii).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Plaza-Franco's counsel has

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

filed a brief stating there are no grounds for relief, which we construe as a motion to withdraw as counsel of record. Plaza-Franco has filed a pro se supplemental brief. The government has filed a motion to dismiss the appeal and to vacate the briefing schedule.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988). We dismiss the appeal in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Counsel's motion to withdraw is **GRANTED**.

The government's motion to dismiss and to vacate the briefing schedule is denied as moot.

**DISMISSED.**